

AMENDED IN ASSEMBLY JUNE 8, 2016

AMENDED IN SENATE MAY 4, 2016

SENATE BILL

No. 1108

**Introduced by Senator Allen
(Coauthor: Senator Hertzberg)**

February 17, 2016

An act to ~~repeal and~~ add *Chapter 9 (commencing with Section 23000) to Division 21 of*, and to repeal Sections 21505 and 21605 ~~of of~~ the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1108, as amended, Allen. Elections: state and local reapportionment.

Existing law authorizes a county board of supervisors to appoint a committee, composed of county residents, to study the matter of changing the boundaries of its supervisorial districts. Existing law directs a committee created pursuant to that provision to report its findings to the board of supervisors, as specified, and it expressly states that recommendations of the committee are advisory only. Existing law similarly authorizes a city council to appoint a committee, composed of city residents, to study the matter of changing the boundaries of its council districts, directs a committee so created to report its findings to the city council, and expressly states that recommendations of the committee are advisory only.

This bill would delete those provisions and instead authorize a county or *general law* city to establish a commission, composed of residents of the county or city, to either change the boundaries of the districts or recommend to the governing body changes to the boundaries of the districts. The bill would also require ~~a~~ *an advisory* commission ~~so~~

~~created that recommends changes to district boundaries~~ to report to the governing body its findings on the need for changes to the ~~boundaries, and its adopted or recommended changes, as specified. This~~ boundaries. *For a commission empowered to change district boundaries, this bill would prohibit the appointment of a person or family member, as defined, of a person who engaged in specified activities during the preceding 8 years, years to that commission, and it would also prohibit commission members from engaging in specified activities while serving and for a specified period of time after serving.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21505 of the Elections Code is repealed.
2 SEC. 2. ~~Section 21505 is added to the Elections Code, to read:~~
3 21505. ~~(a) For purposes of this section, “family member”~~
4 ~~means a spouse, registered domestic partner, parent, sibling, child,~~
5 ~~or in-law.~~
6 ~~(b) A county may establish a commission composed of county~~
7 ~~residents to change the boundaries of the supervisorial districts or~~
8 ~~to recommend to the board changes to the boundaries of the~~
9 ~~supervisorial districts. The commission shall submit a report to~~
10 ~~the board of its findings on the need for changes to the boundaries,~~
11 ~~and its adopted or recommended changes, within six months after~~
12 ~~the final population figures determined in each federal decennial~~
13 ~~census have been released, but in any event not later than August~~
14 ~~1st of the year following the year in which the census is taken. A~~
15 ~~commission established pursuant to this section shall not be~~
16 ~~comprised entirely of members who are registered to vote with the~~
17 ~~same political party.~~
18 ~~(c) A person, or the family member of a person, who has done~~
19 ~~any of the following in the preceding eight years, shall not be~~
20 ~~appointed to serve on a commission established pursuant to~~
21 ~~subdivision (b):~~
22 ~~(1) Been elected or appointed to, or been a candidate for, a~~
23 ~~county elective office.~~
24 ~~(2) Served as an officer of, employee of, or paid consultant to,~~
25 ~~a campaign committee or a candidate for elective office in that~~
26 ~~county.~~

1 ~~(3) Served as an officer of, employee of, or paid consultant to,~~
2 ~~a political party or as an elected or appointed member of a political~~
3 ~~party central committee.~~

4 ~~(4) Served as a staff member of, consultant to, or contracted~~
5 ~~with, a currently-serving elected officer of the county.~~

6 ~~(5) Been registered to lobby the county.~~

7 ~~(6) Contributed five hundred dollars (\$500) or more to a~~
8 ~~candidate for a county elective office.~~

9 ~~(d) A member of a commission established pursuant to~~
10 ~~subdivision (b) shall not do any of the following:~~

11 ~~(1) While serving on the commission, endorse, work for,~~
12 ~~volunteer for, or make a campaign contribution to, a candidate for~~
13 ~~a county elective office.~~

14 ~~(2) Be a candidate for a county elective office for 10 years~~
15 ~~commencing with the date of his or her appointment to the~~
16 ~~commission.~~

17 ~~(3) For four years commencing with the date of his or her~~
18 ~~appointment to the commission:~~

19 ~~(A) Accept an appointment to a county office.~~

20 ~~(B) Accept employment as a staff member of, or consultant to,~~
21 ~~an elected official or candidate for elective office in the county.~~

22 ~~(C) Receive a non-competitively bid contract with the county.~~

23 ~~(D) Register as a lobbyist for the county.~~

24 ~~(e) Each member of a commission established pursuant to~~
25 ~~subdivision (b) shall be a designated employee in the conflict of~~
26 ~~interest code for the commission pursuant to Article 3~~
27 ~~(commencing with Section 87300) of Chapter 7 of Title 9 of the~~
28 ~~Government Code.~~

29 ~~(f) A commission established pursuant to subdivision (b) is~~
30 ~~subject to the Ralph M. Brown Act (Chapter 9 (commencing with~~
31 ~~Section 54950) of Part 1 of Division 2 of Title 5 of the Government~~
32 ~~Code) and the California Public Records Act (Chapter 3.5~~
33 ~~(commencing with Section 6250) of Division 7 of Title 1 of the~~
34 ~~Government Code).~~

35 ~~SEC. 3.~~

36 ~~SEC. 2. Section 21605 of the Elections Code is repealed.~~

37 ~~SEC. 4. Section 21605 is added to the Elections Code, to read:~~

38 ~~21605. (a) For purposes of this section, “family member”~~
39 ~~means a spouse, registered domestic partner, parent, sibling, child,~~
40 ~~or in-law.~~

~~(b) A city may establish a commission composed of city residents to change the boundaries of the council districts or to recommend to the council changes to the boundaries of the council districts. The commission shall submit a report to the council of its findings on the need for changes to the boundaries, and its adopted or recommended changes, within six months after the final population figures determined in each federal decennial census have been released, but in any event not later than August 1st of the year following the year in which the census is taken. A commission established pursuant to this section shall not be comprised entirely of members who are registered to vote with the same political party.~~

~~(c) A person, or the family member of a person, who has done any of the following in the preceding eight years, shall not be appointed to serve on a commission established pursuant to subdivision (b):~~

~~(1) Been elected or appointed to, or been a candidate for, a city elective office.~~

~~(2) Served as an officer of, employee of, or paid consultant to, a campaign committee or a candidate for elective office in that city.~~

~~(3) Served as an officer of, employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee.~~

~~(4) Served as a staff member of, consultant to, or contracted with, a currently-serving elected officer of the city.~~

~~(5) Been registered to lobby the city.~~

~~(6) Contributed five hundred dollars (\$500) or more to a candidate for a city elective office.~~

~~(d) A member of a commission established pursuant to subdivision (b) shall not do any of the following:~~

~~(1) While serving on the commission, endorse, work for, volunteer for, or make a campaign contribution to, a candidate for a city elective office.~~

~~(2) Be a candidate for a city elective office for 10 years commencing with the date of his or her appointment to the commission.~~

~~(3) For four years commencing with the date of his or her appointment to the commission:~~

~~(A) Accept an appointment to a city office.~~

1 ~~(B) Accept employment as a staff member of, or consultant to,~~
2 ~~an elected official or candidate for elective office in the city.~~

3 ~~(C) Receive a non-competitively bid contract with the city.~~

4 ~~(D) Register as a lobbyist for the city.~~

5 ~~(e) Each member of a commission established pursuant to~~
6 ~~subdivision (b) shall be a designated employee in the conflict of~~
7 ~~interest code for the commission pursuant to Article 3~~
8 ~~(commencing with Section 87300) of Chapter 7 of Title 9 of the~~
9 ~~Government Code.~~

10 ~~(f) A commission established pursuant to subdivision (b) is~~
11 ~~subject to the Ralph M. Brown Act (Chapter 9 (commencing with~~
12 ~~Section 54950) of Part 1 of Division 2 of Title 5 of the Government~~
13 ~~Code) and the California Public Records Act (Chapter 3.5~~
14 ~~(commencing with Section 6250) of Division 7 of Title 1 of the~~
15 ~~Government Code).~~

16 *SEC. 3. Chapter 9 (commencing with Section 23000) is added*
17 *to Division 21 of the Elections Code, to read:*

18
19 *CHAPTER 9. ADVISORY AND INDEPENDENT REDISTRICTING*
20 *COMMISSIONS*

21
22 *23000. For purposes of this chapter, the following terms have*
23 *the following meanings:*

24 *(a) "Advisory redistricting commission" means a body that*
25 *recommends to a legislative body placement of the district*
26 *boundaries for that legislative body.*

27 *(b) "Family member" means a spouse, registered domestic*
28 *partner, parent, sibling, child, or in-law.*

29 *(c) "Independent redistricting commission" means a body, other*
30 *than a legislative body, that is empowered to adopt the district*
31 *boundaries of a legislative body.*

32 *(d) "Legislative body" means either a city council of a general*
33 *law city or a county board of supervisors.*

34 *(e) "Local jurisdiction" means either a general law city or a*
35 *county.*

36 *23001. A local jurisdiction may establish by resolution or*
37 *ordinance an independent redistricting commission or an advisory*
38 *redistricting commission composed of residents of the local*
39 *jurisdiction to change the legislative body's district boundaries*

1 *or to recommend to the legislative body changes to those district*
2 *boundaries.*

3 23002. (a) *This section applies to advisory redistricting*
4 *commissions.*

5 (b) *Notwithstanding any other law, the local jurisdiction may*
6 *prescribe the manner in which members are appointed to the*
7 *commission.*

8 (c) *A person who is an elected official of the local jurisdiction,*
9 *or a family member, staff member, or paid campaign staff of an*
10 *elected official of the local jurisdiction, shall not be appointed to*
11 *serve on the commission.*

12 (d) *The commission shall submit a report to the legislative body*
13 *of its findings on the need for changes to the boundaries, and its*
14 *recommended changes, within six months after the final population*
15 *figures determined in each federal decennial census have been*
16 *released, but in any event not later than August 1 of the year*
17 *following the year in which the census is taken.*

18 23003. (a) *This section applies to independent redistricting*
19 *commissions.*

20 (b) *Notwithstanding any other law, the local jurisdiction may*
21 *prescribe the manner in which members are appointed to the*
22 *commission, provided that the jurisdiction uses an application*
23 *process open to all eligible residents. A local jurisdiction may also*
24 *impose additional qualifications and restrictions on members of*
25 *the commission in excess of those prescribed by this section.*

26 (c) *A person, or the family member of a person, who has done*
27 *any of the following in the preceding eight years, shall not be*
28 *appointed to serve on a commission:*

29 (1) *Been elected or appointed to, or been a candidate for, an*
30 *elective office of the local jurisdiction.*

31 (2) *Served as an officer of, employee of, or paid consultant to,*
32 *a campaign committee or a candidate for elective office of the*
33 *local jurisdiction.*

34 (3) *Served as an officer of, employee of, or paid consultant to,*
35 *a political party or as an elected or appointed member of a political*
36 *party central committee.*

37 (4) *Served as a staff member of, consultant to, or contracted*
38 *with, a currently-serving elected officer of the local jurisdiction.*

39 (5) *Been registered to lobby the local jurisdiction.*

1 (6) Contributed five hundred dollars (\$500) or more in a year
2 to any candidate for an elective office of the local jurisdiction. The
3 local jurisdiction may adjust this amount by the cumulative change
4 in the California Consumer Price Index, or its successor, in every
5 year ending in zero.

6 (d) A member of the commission shall not do any of the
7 following:

8 (1) While serving on the commission, endorse, work for,
9 volunteer for, or make a campaign contribution to, a candidate
10 for an elective office of the local jurisdiction.

11 (2) Be a candidate for an elective office of the local jurisdiction
12 for 10 years commencing with the date of his or her appointment
13 to the commission.

14 (3) For four years commencing with the date of his or her
15 appointment to the commission:

16 (A) Accept an appointment to an office of the local jurisdiction.

17 (B) Accept employment as a staff member of, or consultant to,
18 an elected official or candidate for elective office of the local
19 jurisdiction.

20 (C) Receive a non-competitively bid contract with the local
21 jurisdiction.

22 (D) Register as a lobbyist for the local jurisdiction.

23 (e) A commission established pursuant to this section shall not
24 be comprised entirely of members who are registered to vote with
25 the same political party preference.

26 (f) Each member of the commission shall be a designated
27 employee in the conflict of interest code for the commission
28 pursuant to Article 3 (commencing with Section 87300) of Chapter
29 7 of Title 9 of the Government Code.

30 (g) The commission is subject to the Ralph M. Brown Act
31 (Chapter 9 (commencing with Section 54950) of Part 1 of Division
32 2 of Title 5 of the Government Code) and the California Public
33 Records Act (Chapter 3.5 (commencing with Section 6250) of
34 Division 7 of Title 1 of the Government Code).

35 (h) The commission shall adopt new boundaries within six
36 months after the final population figures determined in each federal
37 decennial census have been released, but in any event not later
38 than November 1 of the year following the year in which the census
39 is taken. A map of the proposed boundaries shall be published and
40 made available to the public for at least seven days before being

1 *adopted. Before adopting new boundaries, the commission shall*
2 *hold at least three public hearings preceding the hearing at which*
3 *the new boundaries are adopted. The commission shall not draw*
4 *districts for the purpose of favoring or discriminating against an*
5 *incumbent or political candidate.*

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